

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

VARDON GOLF COMPANY, INC.,	§	
	§	Civil Action No. 98 C 2944
Plaintiff,	§	
	§	Judge David H. Coar
v.	§	
	§	Assigned to
GOLFSMITH INTERNATIONAL,	§	
INC., ORLIMAR GOLF COMPANY,	§	
NICKLAUS GOLF EQUIPMENT CO.,	§	Magistrate Judge
L.C., WILSON SPORTING GOODS,	§	Martin C. Ashman
INC., UT GOLF, INC., and HIPPO	§	
GOLF EQUIPMENT CO.,	§	
	§	
Defendants.	§	

**GOLFSMITH INTERNATIONAL INC.'S NOTICE**  
**UNDER 35 U.S.C. § 282**

Pursuant to 35 U.S.C. § 282, defendant Golfsmith International Inc. ("Golfsmith") hereby give notice to plaintiff Vardon Golf Company, Inc. ("Vardon") of (1) country, number, date, and name of the patentee of each patent to be relied on in anticipation of the patents in suit or as showing the state of the art, (2) the title, date, and page numbers of each publication to be relied upon as anticipation of the patents in suit or as showing the state of the art, and (3) the name of each person who may be relied upon as the prior inventor or as having prior knowledge of or as having previously used or offered for sale the inventions of the patents in suit.

## U.S. PATENTS

I.

<u>Patent No.</u>	<u>Issued</u>	<u>Title</u>	<u>Assignee</u>
1,064,916	06/17/13	Golf Club	
2,447,967	08/24/48	Golf Club	
4,826,172	05/02/89	Golf Club Head	
2,083,189	08/13/36	Golf Club	
Des. 298,269	10/25/88	Golf Club	Orizaba Golf Products, Inc.
Des. 154,496	07/12/49	Golf Club Head	
5,046,733	09/10/91	Iron Type Golf Club Head with Improved Perimeter Weight Configuration	
5,447,307	09/05/95	Golf Club with Improved Anchor-Back Hosel	
5,839,975	11/24/98	Arch Reinforced Golf Club Head	Black Rock Golf Corp.
Des. 348,091	06/21/94	Golf Club Iron	
Des. 359,781	06/27/95	Iron Golf Club Head	Vardon Golf Co., Inc.
4,930,781	06/05/90	Constant Resonant Frequency Golf Club Head	
Des. 359,539	06/20/95	Iron Golf Club Head	Vardon Golf Co., Inc.
Des. 315,939	04/02/91	Iron Golf Club Head	
Des. 320,056	09/17/91	Iron Type Golf Club Head	

Des. 329,266	09/08/92	Iron Type Golf Club Head	
4,995,609	02/26/91	Iron Golf Club Heads	Callaway Golf Company
3,947,041	03/30/76	Golf Club	
3,655,188	04/11/72	Correlated Golf Club Set	
572,436	12/01/1896	Head for Golf-Club	
925,389	06/15/09	Golf-Club	
1,383,654	07/05/21	Golf-Club	
1,449,559	03/27/23	Game Club	
3,077,350	02/12/63	Golf Putter	
1,459,810	06/26/23	Golf Club	
2,083,189	06/08/37	Golf Club	
Des. 229,431	11/27/73	Golf Club Head	
3,652,093	03/28/72	Golf Putter Head with Hollow Toe and Heel Portions	John Reuter, Jr., Inc.
1,459,810	10/19/21	Golf Club	
3,751,035	08/07/73	Set of Golf Irons	
4,919,430	04/24/90	Golf Club Head	
3,847,399	11/12/74	Golf Club with Unit-Cell Head Construction	
5,060,951	10/29/91	Metal Headed Golf Club with Enlarged Face	
Des. 355,688	02/21/95	Golf Club Head	Roger Cleveland Golf Company, Inc.
Des. 354,326	01/10/95	Golf Club Head	Roger Cleveland Golf Company, Inc.

All United States Patent Documents Cited on Face of U.S. Patent No. 5,401,021; *Allen*

All United States and Foreign Patent Documents Cited on Face of U.S. Patent No. 5,301,941; *Allen*

II.

**FOREIGN PATENTS**

<u>Country</u>	<u>Patent No.</u>	<u>Issued</u>	<u>Title</u>
Great Britain	10,187	04/01/1893	Improvements in Cleeks, Irons, Mashers, and Like Appliances used in Playing Golf
Great Britain	6385	02/11/1893	Improvements in Golf Clubs
Great Britain	8954	08/05/1893	Improvements in Golf Clubs
Great Britain	9514	03/19/1898	Improvements in Golf Clubs
Great Britain	15,597	05/18/05	Improvements in Golf Clubs
Japan	52-49130	04/19/77	Golf Club

III.

**PUBLICATIONS**

Advertisements relating to Spalding *Tour Edition* and Golden Ram from *GOLF MAGAZINE*, March 1991

Advertisement from A.J. Antonious Corporation titled "Awesome XL Hosel Midsize Irons"

1978 Golfsmith Golf Accessories Catalog, p. 52

The Golf Club Identification and Price Guide by The GolfWorks dated January 1985, Goldentouch Manufacturer's Information Page, pp.4-6, 5-3

The Golf Club Identification and Price Guide III by The GolfWorks dated June 1993, pp. 35-4, 39-4, 40-2, 40-7, 44-3